

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARK J. MARSHALL,

Plaintiff,

vs.

CODY E. MAHAN, *et al.*,

Defendants.

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Case No. 16-cv-00769-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 54) of Magistrate Judge Donald G. Wilkerson recommending that this matter be dismissed with prejudice for failure to prosecute an action and/or to comply with court orders. There were no objections to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Plaintiff has been given ample opportunity to comply with the court’s orders and has failed to do so. Further, plaintiff was warned that failure to appear at the mandatory status conference on March 9, 2017, would result in the dismissal of this action and plaintiff failed to appear or advise the Court of any justification for his non-appearance.

Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 54). This matter is **DISMISSED** with prejudice. The Clerk of Court is **DIRECTED** to enter judgment accordingly and terminate all pending motions as moot.

**IT IS SO ORDERED.**

**DATED:** 5/2/2017

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**